

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-md-02666 (JNE/DTS)

This document relates to:

Maureen Boyle,

Civil Action No. 18-cv-00628

Plaintiffs,

vs.

3M COMPANY AND ARIZANT
HEALTHCARE, INC.,

Defendants.

**DECLARATION OF BRETT A. EMISON IN SUPPORT OF PLAINTIFF'S RESPONSE
TO DEFENDANTS' MOTION TO DISMISS**

I, Brett A. Emison, declare as follows:

1. I am an attorney at Langdon & Emison, LLC and was hired as counsel for Plaintiff Maureen Boyle in the above-captioned matter.
2. I submit this declaration in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1538] filed on October 4, 2018.
3. This case was filed on March 6, 2018.
4. A completed Plaintiff Fact Sheet was served on Defendants June 4, 2018 in accordance with PTO 14.
5. In the Fact Sheet, Plaintiff identified that she had a lawsuit 11 years before but indicated to us that she could not recall (a) whether it was actually filed; and (b) if filed, in what jurisdiction. Accordingly, Plaintiff indicated "unsure" for that response in the Fact

Sheet. Even after completing the fact sheet, counsel for Ms. Boyle diligently attempted to obtain additional information but have been unsuccessful. The response in the fact sheet was and remains a truthful and complete answer.

6. Staff and attorneys at Langdon & Emison attempted to contact Plaintiff via phone calls, texts, and letter in August and September 2018 to attempt to supplement this information on her Plaintiff Fact Sheet.
7. Langdon & Emison was unable to reach Plaintiff through these communication attempts and never received a response from Plaintiff to these phone calls, text messages, or letter in order to provide the information necessary to cure that alleged deficiency.
8. The undersigned recently learned that Plaintiff passed away on September 6, 2018. The undersigned filed a Suggestion of Death on October 9, 2018.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 11, 2018

Respectfully submitted,

/s/ Brett A. Emison

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CERTIFICATE OF SERVICE

I certify that on October 11, 2018, a copy of the foregoing response was filed electronically using the CM/ECF system and served to all counsel of record.

/s/ Brett A. Emison
Brett A. Emison